

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

EDWARD P. GRIFFIN-NOLAN,
Plaintiff,

v.

5:04-CV-1453
(GTS/GJD)

CITY OF SYRACUSE; DANIEL CECILE
Police Officer; JAMES MULLEN, Police Officer;
and DAVID HENNESSEY, Police Officer,
Defendants.

APPEARANCES:

LAW OFFICE OF MAIREAD E. CONNOR
Counsel for Plaintiff
440 South Warren Street, Suite 703
Syracuse, NY 13202

HON. RORY A. McMAHON
Corporation Counsel for the City of Syracuse
Counsel for Defendants
233 East Washington Street, Room 301
Syracuse, NY 13202

OF COUNSEL:

MAIREAD E. CONNOR, ESQ.

JOSEPH FRANCIS BERGH, ESQ.
Assistant Corporation Counsel

HON. GLENN T. SUDDABY, United States District Judge

ORDER

Currently before the Court in this civil rights action filed by Edward P. Griffin-Nolan ("Plaintiff") is a motion for summary judgment filed by the City of Syracuse, and Syracuse Police Officers Daniel Cecile, James Mullen, and David Hennessey ("Defendants"). (Dkt. No. 39.) On June 23, 2009, the Court heard oral argument on Defendants' motion, and issued a bench decision granting the motion. At that time, the Court indicated that a written Order would follow. This is that Order. The Court having carefully considered the parties' motion papers and argument on Defendants' motion for summary judgment, it is

ORDERED that Defendants' motion for summary judgment seeking the dismissal with prejudice of all of Plaintiff's claims (Dkt. No. 39) is **GRANTED** in part and **DENIED** in part in the following respects:

(1) Plaintiff's Section 1983 claim against Officers Mullen and Hennessey for denying him his First Amendment right to be free from retaliation is **DISMISSED** with prejudice;

(2) Plaintiff's Section 1983 claim against the City of Syracuse for denying him his First Amendment right to be free from retaliation is **DISMISSED** with prejudice;

(3) Plaintiff's Section 1983 claim against the City of Syracuse for failing to adequately train Officers Mullen, Hennessey, and Cecile is **DISMISSED** with prejudice;

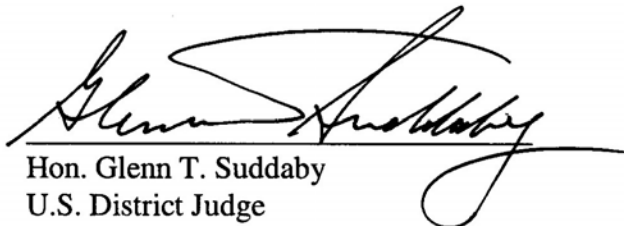
(4) Plaintiff's New York State common law claim against all Defendants for malicious prosecution, and his New York State common law claim against Officer Hennessey for libel, are **DISMISSED without prejudice** to refiling in New York State Court within **THIRTY (30) DAYS** of this Order, pursuant to 28 U.S.C. § 1367(d); and

(5) Plaintiff's claim for attorney's fees pursuant to 42 U.S.C. § 1988 is **DISMISSED** with prejudice; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** in its entirety; and it is further

ORDERED that the Clerk of the Court shall enter a judgment accordingly and close this action.

Dated: June 23, 2009
Syracuse, New York



Hon. Glenn T. Suddaby
U.S. District Judge